

USSN: 10/068,070  
Amendment

### SUMMARY

The above Amendment and following Remarks are responsive to the Office Action dated October 4, 2005 and to discussions with Supervisory Patent Examiner Carl Friedman on February 6, 2006. In the Office Action, claims 1-20 were rejected under 35 U.S.C. § 112, first paragraph, as being indefinite for failing to comply with the written description requirement. Upon entry of this Amendment, claims 1, 14, and 15 will have been amended and claims 1-20 will remain pending in this application. Entry and consideration of this Amendment Under 37 C.F.R. § 1.116 are respectfully requested.

The Advisory Action dated January 3, 2006 indicated in one area that, for purposes of appeal, the Amendment dated December 1, 2005 would be entered and in another area that the Amendment dated December 1, 2005 would not be entered. Since Applicants are unsure whether the Amendment dated December 1, 2005 has been entered, the Amendment to the claims above mirrors the December 1, 2005 Amendment.

### REMARKS

#### REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH:

Claims 1-20 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement. Applicants note that paragraphs 3-4 of the Official Action reference 35 U.S.C. § 112, second paragraph, but, based on the statements in paragraph 2, it appears that reference to 35 U.S.C. § 112, second paragraph was erroneous and was intended to reference 35 U.S.C. § 112, first paragraph. Regardless, Applicants traverse these rejections.

Although the Applicants disagree that the claims fail to comply with the written description requirement, claims 1 and 14-15 have been amended to clarify that the

USSN: 10/068,070  
Amendment

speaker element is disposed in the "window unit" (Claim 1), "window frame" (Claim 14), and "door unit" (Claim 15). The presently claimed speaker element is disposed within the window unit, window frame, or door unit. The speaker element can comprise a window pane, a main display window, or a side window, as described in the specification at page 4, lines 8-16.

Applicants would like to thank Supervisory Patent Examiner Carl Friedman for the telephone interview dated February 6, 2006. Further, as discussed with Supervisory Patent Examiner Carl Friedman, the amended claims provide that the speaker element is disposed within the window or door unit, which includes a frame, window(s), etc. The speaker element can be formed in the jambs, sill, header, frame, or window; can be formed on the jambs, sill, header, frame, or window; or can be one of the window panes themselves. Since the specification provide full support, claims 1-20 comply with the written description requirement. Accordingly, Applicants request removal of the 35 U.S.C. §112, first paragraph rejections.

#### **CONCLUSION**

Claims 1-20 are allowable and a notice to such effect is earnestly solicited. Should the Examiner have any questions or comments regarding the foregoing Amendment and response, she is invited and urged to telephone the undersigned attorney.


USSN: 10/068,070  
Amendment

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees that may be required for the timely consideration of this Amendment under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account No. 09-0528.

Respectfully submitted,

Date: February 6, 2006

  
\_\_\_\_\_  
Keats A. Quinalty  
Reg. No. 46,426  
Attorney for Applicants

Customer ID No.: 26158  
Womble Carlyle Sandridge & Rice, PLLC  
P. O. Box 7037  
Atlanta, GA 30357-0037  
Telephone: (404) 879-2423  
Facsimile: (404) 879-2923